

Amendment No. 1 to SB4250

Jackson
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND SB 4250

HB 4239

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Chapter 193 of the Private Charters of 1953, as amended by Chapter 376 of the Private Charters of 1982; Chapter 129 of the Private Charters of 1983; Chapter 1 of the Private Charters of 1985 and Chapter 124 of the Private Charters of 1988; and any other charters amendatory thereto, is amended by deleting such chapter, as amended, in its entirety and by substituting instead the following language to be the charter of the Town of Burns, Tennessee:

Section 1. The Town of Burns, in the County of Dickson and State of Tennessee, and the inhabitants thereof, are hereby constituted a body politic and corporate under the name and style of "Town of Burns", Tennessee, and by the said name shall have perpetual succession; may sue and be sued, plead and be impleaded in all courts of law and equity and in all actions whatsoever; may contract, purchase, receive, hold and own real, personal and mixed property, and sell, lease and convey the same for the benefit of the said corporation, may have and use a common seal, and may have all the rights and privileges of a municipal corporation.

Section 2. The boundaries of the said Town of Burns hereby incorporated shall be as follows:

Beginning at a point in the west edge of Ray Luther Road, 4 feet east of an iron pipe in the edge of a field, the easternmost SE corner of the tract herein described, runs N 87 degrees W 80 poles to an iron pipe; thence S 5 degrees W 63 poles to an iron pipe; thence S 54 degrees W crossing the Lime Kiln road on 11.2 poles, or in all 18.1 poles to an iron pipe at the edge of a Quarry pit; thence N 72 degrees W 30.6 poles to the center of Old Rail Road bed at the Lime Kiln

spur track; thence, with the meanders of the old road bed to points; N 32 degrees W 30 poles; N 17 degrees W 13.5 poles; N 14 3/4 degrees E 13.5 poles; N 34 degrees E 24 poles; N 41 degrees E 49.8 poles; N 26 degrees E 6.8 poles; thence, leaving the old railroad bed, N 85 degrees W 52 poles to an iron pipe; thence N 67 degrees W 96.5 poles to an iron pipe at the South edge of an old road adjacent to the S.B.L. of the Baptist Church lot near its SE corner; thence N 15 1/2 degrees E, crossing the Dickson Highway on 13.8 poles, the NC & St. L RR on 26 poles, or in all 67 poles to a Black Oak in a fence row; thence N 59 3/4 degrees E 102.7 poles to an iron pipe at the west edge of the Daniel road; thence S 88 degrees E, crossing the Jones Creek road on 92.5 poles, or in all 134 poles to a point; thence 51 1/2 degrees W, crossing the railroad on 36 poles, the Nashville Highway on 48 poles, State Highway No. 96 poles on 191.8 poles or in all 206.6 poles to the beginning. The boundaries set forth here have been extended by the following annexation ordinances of record in the recorder's office: 5, 10, 15, 19, 20, 43, 56, 60, 129, and 142.

Section 3. The governing body of said Town shall consist of four (4) Commissioners and a Mayor who shall hold office and be elected as hereinafter provided. No person shall be eligible to the office of Commissioner unless that person is a holder of real property in the Town of Burns and has been a bona fide resident of said Town for at least twelve (12) months prior to being elected and is a qualified voter under the election laws of the State of Tennessee. Any officer or official of the Town of Burns holding office under this charter shall vacate said office upon the officer's or official's removal of residence from the corporation limits. All vacancies of the Board of Commissioners of said Town shall be filled by a majority vote of the remaining members of said Board of Commissioners. Each Commissioner shall have a vote in all matters coming before the Board of Commissioners and, unless otherwise provided, a majority vote shall control in all matters.

A person seeking to qualify as a candidate for Mayor or Commissioner shall qualify by filing a nominating petition at the time and in the manner provided for by Tennessee Code Annotated, Title 2, Chapter 5.

Section 4. Beginning on the last Thursday in May, 2009, and on the last Thursday in May each two (2) years thereafter, there shall be elected a Board of Commissioners and a Mayor as provided herein. Beginning with the election to be held in May 2009, the office of Mayor shall be elected for a two (2) year term of office; in addition, the four (4) candidates receiving the highest number of votes cast in said election for the office of Commissioner shall be declared elected for a two-year term of office. Said election shall be called for and held by the Election Commission of Dickson County on the last Thursday in May every odd numbered year thereafter, and shall be held under and according to the general election laws of said state in accordance with Tennessee Code Annotated, Title 2, Chapter 2 and all persons who are residents of the Town of Burns and qualified to vote under the general election laws of Tennessee shall be allowed to vote in said election. The candidates receiving the highest number of votes cast in said election shall be declared elected and in the event of a tie vote between any candidates such tie shall be decided by a vote of the members of the Board elect.

Section 5. On the first Monday in June, 2009 and on the first Monday of June every two (2) years thereafter the incoming Board of Commissioners shall meet and organize. All the officers of said term before entering upon the discharge of their duties shall take an oath to faithfully perform said duties and to support the Constitution and laws of the United States and of the State of Tennessee.

The Board of Commissioners shall appoint a City Recorder, City Police Chief, City Treasurer, and such other officers as in their discretion may be necessary. Said officers appointed shall give bond in such amounts as may be required for the faithful performance of the officers' duties and for the paying over of such monies as may come into the officers' hands. The salaries and/or commissions or fees to all officers and

employees appointed by the Board shall be set by the Board of Commissioners and the officers' duties shall be prescribed by the Board.

Section 6. It shall be the duty of the Mayor to preside at all meetings of the Board, to take care that all the ordinances of the Town are duly enforced, respected and observed in the Town, and to call special meetings of the Board when the Mayor may deem it necessary. The Mayor shall make such suggestions to said Board as is, in the Mayor's judgment, the most conducive to the interest of said corporation. The Mayor shall give written orders upon the Treasurer of said Town of Burns, whenever said Board directs the same to be done, for the payment of any money that may be due from said corporation. The Mayor may employ legal counsel on behalf of said corporation upon the advice of the Board when the Board may deem it necessary. The Mayor shall be allowed one (1) vote, as any other Commissioner, on all questions coming before the Board for consideration, but the Mayor shall not be allowed a second vote in case of a tie. Unless a majority of the Board present shall vote in favor of any proposition coming before the Board, the same is lost.

Section 7. The Board of Commissioners shall be the legislative body of the Town of Burns and the Board shall have full power and authority by ordinance within said corporation:

(1) To levy and collect taxes upon all property authorized by law, said tax rate shall be set by Board of Commissioners of said Town;

(2) To levy and collect privilege taxes and merchants' ad valorem taxes;

(3) To appropriate money and provide for the payment of the debts and expenses of the corporation;

(4) To make regulations and laws to secure the general health and safety of the inhabitants of said Town; to declare, prevent and remove nuisances; and to comply with the state department of health rules regarding isolation or quarantine of diseases as required by general

law in order to prevent the introduction and spread of contagious diseases;

(5) To exercise sufficient police power for the protection of the health, lives and property of the inhabitants of said Town, including the arrest of persons committing state or federal offenses within the corporate boundaries of said Town; and to provide for the enforcement of Town ordinances and to issue citations for all such violations, including riotous or disorderly behavior within the corporation and for all breaches of the peace, noise, disturbances and disorderly assemblies by day and by night; and to assess and impose fines, forfeitures and penalties for violations of such ordinances, which fines, penalties, and forfeitures shall be recoverable before the City court, if the Board elects a City Judge as provided in Section 11 of this Charter, or in any county or state court;

(6) To license, tax, and regulate, in accordance with Tennessee Code Annotated, Section 6-55-102, merchants and such other vocations, occupations, or businesses as are declared to be privileges, not exceeding an amount levied by the state for state purposes.

(7) To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(8) To regulate adult-oriented establishments consistent with Tennessee Code Annotated, Title 7, Chapter 51 and any other state or federal law;

(9) To permit, prohibit or otherwise regulate the manufacture, receipt, sale, storage, transportation, distribution or possession of alcoholic beverages, wine or beer in the manner provided pursuant to Tennessee Code Annotated, Title 57;

(10) To license, tax, and regulate automobiles, trucks, and wagons, and other vehicles which carry passengers for hire and to fix the license or tax rate or rate for the carriage of such persons or property within the corporate limits;

(11) To regulate, control, and limit the speed and operations of trains and engines within the corporate limits, to the extent permitted by state and federal law;

(12) To regulate the speed of automobiles and other vehicles within the corporate limits;

(13) To regulate, restrain or prevent the carrying on of any business dangerous in producing fires; and to prevent and suppress the selling and carrying of pistols, bowie knives, dirks, and other deadly weapons but only to the extent such regulation has not be preempted by state and federal law;

(14) To regulate the storage of powder, tar, pitch, rosin, salt peter, gum, cotton, coal oil, gasoline and other explosives and inflammable material; and to regulate or suppress the sale of fire crackers, toy pistols, fireworks and all explosives to the extent permitted by state and federal law;

(15) To regulate the use of lights, lamps, electric wiring, steam, gas and hot air pipes in all factories, shops, or other buildings or places;

(16) To provide for the prevention or extinguishment of fires; to organize and maintain a fire company or companies, with such provisions for equipment as deemed necessary and expedient by the Board; to establish fire districts, if authorized pursuant to general law; and to regulate and prevent the erection of wooden buildings covered with combustible material therein;

(17) To prevent the dangerous construction and condition of buildings, chimneys, flues, fireplaces, hearths, stoves, stovepipes, ovens, and apparatus, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous, and to make such general regulations for the prevention and extinguishment of fires as said Board may deem expedient;

(18) To regulate, tax, license, or suppress the keeping or going at large of all animals within the Town, in addition to the prohibition and inhibition hereinafter provided in this Charter; to impound such animals and in default of redemption, in pursuance of ordinance, to sell or dispose of the same;

(19) To prevent the raising of hogs and the keeping of hog pens within the corporate limits, as hereinafter provided;

(20) To prevent and remove all filth and rubbish from the Town and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks and pavements, and for the cleaning of the same;

(21) To issue bonds and submit bond issues to the qualified voters of the Town in accordance with Tennessee Code Annotated, Title 9, Chapter 21;

(22) To construct, acquire, purchase, operate, maintain, and contract for a water system including pumps, hydrants, reservoirs, standpipes, and all things necessary to furnish the inhabitants with water to the extent of issuing bonds for the same and for this purpose said municipality is hereby given the right to hold and acquire by purchase or condemnation, in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17, such property as may be necessary for the operation and maintenance of said water system;

(23) To acquire by purchase or gift or construct and erect and operate and maintain sewers and a sewage system within or without the corporation limits of the Town, and for these purposes the Town shall have the right to condemn land and rights-of-way in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17;

(24) To open, alter, abolish, widen, extend, establish, grade, pave, and otherwise improve the streets, lanes, alleys, sidewalks, and gutters, in the Town and take and appropriate property for the widening of said streets; and to provide for the building and improving of streets and, by ordinance, to provide for assessments upon the lands abutting on or adjacent to the streets to be built or improved under the provisions of Tennessee Code Annotated, Title 7, Chapter 31, Part 1, Title 29, Chapters 16 and 17, or any other manner provided by general law;

(25) To provide by ordinance for the construction and maintenance of sidewalks in the Town and to enforce the construction and improvement of said sidewalks by property owners;

(26) To grant the right-of-way and franchises through the streets, avenues, and alleys of the Town to railroads, electric light systems, telephone systems, water and gas mains, or public utilities operating and doing business within the corporate limit, except that said Town shall in no way have any authority to regulate any public utility over which the Tennessee Regulatory Authority exercises regulatory authority;

(27) To prohibit vagrants from loitering within the corporate limits;

(28) To prohibit and restrain any person or persons from pouring or piping water or refuse into any street or alley and to regulate the construction and maintaining of cesspools, septic tanks, and outdoor toilets;

(29) To extend, enlarge, or relieve the duties and responsibilities of any officer of the Town elected by the Board not in conflict with the provisions of this charter, and to combine the offices of Recorder and Treasurer, where such is practicable;

(30) To borrow money on the credit of said Town for current operating expenses for a period of time not longer than ten (10) years and not in excess of one million dollars (\$1,000,000), and to make provisions for the repayment of the same;

(31) To contract with any other municipality, individual, or private corporation for the furnishing of gas, electricity or water to the Town of Burns or its inhabitants and the Board may grant franchises to this effect.

(32) To appropriate and expend funds for a celebration to commemorate the thirtieth anniversary of the Town of Burns; and

(33) To do any and all things that may be necessary to carry out the provisions of this charter; and to pass all ordinances necessary for the health, convenience, and safety of the citizens of said Town to carry out the full intent and meaning of this Charter and to accomplish the objectives of this corporation.

Section 8. The Board of Commissioners shall have and possess and its members shall be subject to the provisions of this Charter from and after the election and qualification of the Board of Commissioners provided in this Charter, all of the executive, administrative, legislative and judicial powers usually possessed by municipalities incorporated under the laws of the State of Tennessee, except the power to operate and maintain public schools, which function the Corporation of the Town of Burns, expressly leaves in the hands of the School Board of Dickson County, Tennessee; provided, however, said Town of Burns may contribute towards the building and erection of any needed

buildings or additions to Burns Elementary School and for any other schools which are now or may ever be located in the Town of Burns.

Section 9. The regular meeting night of said Board of Commissioners shall be the first Monday in each month and at such times and places as said Board may deem proper, provided that the Mayor shall have authority to call special meetings of the Board when the Mayor thinks proper, but at said special meeting no matters may be presented except those included in the call, unless by unanimous consent of the Board. Should any three (3) Commissioners think it necessary that a special meeting be held and should the Mayor refuse to call said meeting, a meeting may be held upon written notice requesting the Mayor to call the same stating the time and place and the necessity for said meeting. Should the Mayor then fail to appear, said meeting may be held and business transacted the same as if the Mayor were present.

Section 10. The compensation of members of the Board may be set by the outgoing Board at such amounts as the Board may deem proper.

Section 11. The City Judge, if the Board of Commissioners deems it necessary to elect a City Judge, shall be the judicial officer of the Town and in accordance with Tennessee Code Annotated, Title 16, Chapter 18, Part 3 shall have jurisdiction to hear all violations of the ordinances of said Town brought before the court and to impose the penalty for the violation of the same. The fees and municipal court costs for said Judge shall be fixed by the Board of Commissioners in accordance with Tennessee Code Annotated, Title 16, Chapter 18, Part 3.

Section 12. The Recorder shall be the Collector of all privilege license fees and merchants' ad valorem taxes within the Town. The Recorder may in the discretion of the Board serve as Treasurer and tax collector for which services the Recorder shall receive such compensation as may be set by the Board.

Section 13. The Treasurer shall be the financial agent of the Town and custodian of all funds and shall pay warrants or checks drawn by the Mayor. The Treasurer shall do and perform such other duties as the Board may prescribe and shall receive such compensation as the Board may set. Before taking office, the Treasurer shall take an oath to faithfully perform the duties of the Treasurer's office and shall give bond in such amount as the Board thinks proper.

Section 14. The Board of Commissioners shall have the power to audit the books and records of the Town Treasurer at any time said Board of Commissioners shall deem proper.

Section 15. The Board shall not later than the regular meeting in July set the tax rate for municipal purposes and the Recorder shall as soon as practicable thereafter make out the Town tax books. The Recorder may use the county assessment as a guide in making out the same but is not bound thereby and the Board is hereby authorized and empowered to appoint a tax assessor to assess taxes as provided by law. Said taxes shall become due and payable on December 1 of every year and the Board is hereby granted power by ordinance to fix penalties not greater than six percent (6%) per annum for the delinquent payment of said taxes. Taxes not paid by April 1 of the following year shall be considered delinquent and shall be turned over for collection.

Section 16. The Board of Commissioners may appoint a Chief of Police. The Chief of Police shall be the chief law enforcement officer of the Town and shall hold office at the pleasure of the Board of Commissioners. The Chief of Police shall have all such authority and shall perform such duties as the Board may from time to time grant and direct. The Board may at its discretion require said Chief of Police to give bond in such an amount as the Board thinks proper and shall receive such compensation as the Board may set.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Burns. Its approval or nonapproval shall

be proclaimed by the presiding officer of the Town of Burns and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in SECTION 2.